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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217630
Party	Defendant Hansen, Gary, St. Martin
Correspondence Address	GARY ST MARTIN HANSEN 399 LOWER MAIN WEST JOHNSON, VT 98110-4309 UNITED STATES stdrumr@Gmail.om
Submission	Opposition/Response to Motion
Filer's Name	Gary St.Martin Hansen
Filer's e-mail	stdrumr@gmail.com
Signature	/Gary St.Martin Hansen/
Date	05/01/2015
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of U.S. Trademark Application

Serial No. 86112261

Mark: IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL
YOU BEEN HERE!

Filed: November 6, 2013

Published: April 1, 2014

_____)	
Sturgis Motorcycle Rally Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91217630 _____
)	
Gary St. Martin Hansen)	Application No.: 86112261 _____
)	
Applicant,)	
_____)	

Registration No.:861122

Mark:

IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND,
'TILL YOU BEEN HERE!

MOTION TO AMEND GOODS and SERVICES and

Response to Partial Opposition to Motion to Amend.

Gary St. Martin Hansen ("Applicant") in response to the opposition's last
filed response to Applicant's Motion to Amend Goods and Services February 17, 2015

No.1 The Applicant's trademark application registered mark,

"It's a Black Hills Thing !" etc. and the history of it's long year, waiting, through some
21 filed motions, etc, is witness to what a fruitless effort it has been on the part of the
Applicant to remove, delete, amend, Goods and Services or etc, , so to discover whatever

it is that SMRi is specifically opposing the Applicant's trademark for? Goods and Services? Words in the trademark itself, contained in the Applicants application? ... What could justify a legal team to even bring forth this Opposition No. 91217630 against THIS Applicant's registration in particular?

No.2 The Applicant filed for a US Trademark for the purpose of protecting the cliché,'

“ It's a Black Hills Thing ! “

Thus, by doing so, the US Trademark symbol could be displayed legally as does Coca Cola. Consequently, vendors etc would not be as likely to use the cliché' without permission, and it would be easier to enforced if necessary..

No.3 Now, the Applicant having filed as many motions demonstrating an obvious desire to find common ground ... has seen no evidence of compromise or resolution.

The Applicant assumed that once the Board had read the Applicant's Motions etc, having expressing a desire to reach some possible mutual agreement by offering various amendments to make obvious distance between the Applicant's application, and SMRi , with never any success toward coming to a simple resolution, and the applicant assuming that the Board would have realized that

the Opposer's have no intentions of ever reaching a resolution, (save that the applicant would agree to abandon the application), which is not an option. Having offered Dean Kinney President of SMRi, personally, the total use the applicant's trademark, no licensing fee, for whatever non-profit purposes the organization SMRi desired, this being long before this Opposition was filed , and, being that SMRi never responded to the Applicant's offer, it now seems to suggests that honest justification is not a factor as to whether SMRi files an Opposition against an Applicant's application. And it became

obvious over time, viewing SMRi's many filed documents, many of which are filed Oppositions, that any new Applicant of a trademark application which included the words, "Sturgis", "Black Hills", "Legend", "Ride" "Rally" "Motorcycle" and many other tag words, were likely to be the recipients of a filed Opposition to their mark brought forth by Jason Sneed, and SMRi. With these facts evident, the Applicant was sure it would be an obvious indication to the Board, that this Opposition case and many others filed by SMRi and Jason Sneed, make no sense, are groundless and unjust, and, one might look at SMRI and see these ridiculous filed oppositions etc against what ever unfortunate new trademark application with a relative theme or particular choice of words , or, Goods and Services as is the case with this Opposition which is based on a totally fabricated premise about the Applicant's application and SMRi's many of the various trademarks and words that Smri assumes that they own, or can control, in Stugis, and the Black Hills. Even John Paul DeJoria, self-made billionaire, has received a filed Opposition from SMRI, and Jason Sneed PLLC ...

General sentiment is a reflection of these Oppositions and civil suits as a 20 comments article in Rapid City Journal, 2011 covering the civil lawsuit brought forth by SMRI against Rushmore Photo, Walmart, and other vendors for printing "Sturgis" on printed tee shirts etc. this Rapid City Journal article as filed as the Applicant's Discovery evidence, is a perfect example of how SMRi's uses the USPTO processes and the civil courts,, to monopolize tag words relative to Sturgis", "Black Hills", and other key words relating to the yearly Sturgis Motorcycle Rally for SMRi's own trademarks, thus, SMRi and Sneed PLLC can control which new trademark application is likely is to receive a registered trademark that relates to "Sturgis" or the "Black Hills". and which applicant

does not, and which trademark application shall be likely, or not, to receive their trademark registration without an Opposition, no matter the Goods and Services etc, or what words, ie “Sturgis” may be included in the trademark itself, (as was Full Throttle Saloon?) and to which application might shall receive a filed Opposition to their trademark application (as did the Applicant) if so, then that Applicant becomes subject to SMRI/ Sneed routine, of filing Motions to Oppose, etc, lawsuits, and US trademark rules manipulation to control words ie “Black Hills” by litigation through the USPTO Trial and Appeal Board, never resolving, often out waiting, or legally harassing the Applicant until the Applicant abandons the Application over time, at least delaying many US Trademark applicants from ever realizing their dream.

1. The Applicant appeals to The Board of Trial and Appeal to dismiss the Opposition No. 91217630 and allow this trademark application go forth so the Applicant can securely protect the Cliché ‘It’s a Black Hills Thing !’

2. This is a Motion to Amend Goods and Services, to the Services Class 15.

It is musical instrument service orientated and has NO GOODS ...

The Applicant has no intention of marketing musical instruments or any item.

3. A prominent attorney that the Applicant conferenced with recently, said that amending my Goods and Services to a Services Class with no Goods, a “Service classification” that contains no Goods, (as was my motion to amend filed February 16, 2015,) to Services, should lay to rest, any confusion about Goods and Services etc. and SMRI trademarks ... she did not however mention that I had to make a request for consent from SMRI to ?

Gina Iacona Esq. on 3/17 /2015 files a partial opposition stating in other words, that by filing such a Motion I created an abandonment of the application without the consent of SMRi. I must request the written consent of SMRi according to:

37 CFR 2.135 and Grinnell Corp v. Grinnell

Concrete Pavingstones Inc., 14 USPQ2d 2065, 2067, (TTAB 1990.)

6. THIS IS NOT AN ABANDONMENT of the APPLICATION ! As advised by my USPTO assigned interlocutory attorney .

7. Should the Board of Trial and Appeal find that this Motion to Amend Goods and Services because The Applicant did not request permission from the Opposition SMRi, or for other reason's that the Applicant did not understand, and then, thus denies my Motion to Amend, then the Applicant is ready to proceed with the original application at the time of filing, Class 040 etc. and resume the scheduled deadlines.

8. .This is NOT an Abandonment of this Application.

9. The Applicant asks the Board, why has SMRI filed this Opposition?

Something is NOT right the Opposer is depriving the Applicant the right to protect the cliché' ,

“It's a Black Hills Thing, “ etc,

by preventing the Applicant from receiving registration of the trademark, and thus making it impossible for the Applicant to use the registered trademark symbol, the familiar circle with the letter "R" ® on the ie, It's a Black Hills Thing ! ® cliché', book and music (currently available on iTunes,) in order to protect theApplicant's intellectual property, which again was the purpose of filing for a U.S. Registered Trademark. in the first place.

10. Finally, I have never received any “disclosure” from SMRi or Sneed, although, the Applicant sent Sneed a mailed list of data concerning disclosure, witnesses etc.

Respectfully Submitted by



Gary St. Martin Hansen

May 1, 2015

Certificate of Filing

The undersigned certifies that this correspondence is being filed via electronic

means by Filing with the Electronic system for Trademark Trial and Appeals.



Gary St. Martin Hansen

Date of Signature: May 1, 2015

Certificate of Service

I hereby certify that a true and accurate copy of Applicant’s MOTION TO AMEND GOODS AND SERVICES has been served on the following by delivering said copy May 1, 2015, via First Class Mail, to counsel for Opposition at the following address:

Jason Sneed
Sneed PLLC
610 Jetton St., Suite 120-107
Davidson, North Carolina, 28036

704-779-3611

Attorney for Sturgis Motorcycle Rally Inc

Gary St. Martin Hansen

Gary St. Martin Hansen

Date of Signature: May 1, 2015